

the late Colonel Thomas Cresap was employed by the proprietor of Maryland to explore the country, and to report the facts that might lead to a decision on this subject; but the country then being little known, and in the possession of savages, it is probable he judged more from appearances, than from any actual survey of it; he reported in favour of the north branch, and for some time after that was generally supposed to be the first fountain of the river Patowmack. Afterwards, however, a different opinion prevailed, and the late proprietors of Maryland always claimed the land, and in some instances made grants thereof, lying between the north and south branches of that river. At length a negotiation commenced between the proprietor of Maryland, and lord Fairfax, the then proprietor of that part of Virginia, respecting this subject; and by consent it would have been established, that the first fountain of Patowmack was at the head of the south branch of that river, if the crown of Great-Britain had not been interested in the question, and therefore it became necessary to lay the circumstances then existing before the king and council, and to obtain their approbation and concurrence before any effectual regulation could take place; and while matters were thus suspended, the revolution commenced, which finally deprived all parties of their interest in the subject.

During the war the citizens of Virginia began to take up, and immediately after the peace to settle, the lands between the north and south branches of Patowmack; and the whole of that country, containing 452,480 acres of land, hath ever since been, and now is, occupied or claimed by the state of Virginia, or persons holding under grants issued by that state. But if, upon a full investigation of this subject, it shall be found that the first fountain of Patowmack is at the head of the north branch of that river, still it is of essential consequence to this state to have the real head of that branch of the river fixed and well ascertained. There are three springs, or small rivulets, that unite after running a small distance; and the possessions under the title of this state are at present confined to a meridian line drawn from the most southern of those springs, and the lands to the westward of that meridian line are taken up and held under grants issued by the state of Virginia, although both the other springs extend further to the westward, and one of them near three miles. Should this last mentioned spring be deemed the first fountain from whence a meridian line is to be drawn for our western boundary, it will give a country, in addition to what the state now possesses, of three miles broad and upwards of thirty miles in length.

On reviewing the law of nature and nations it will be found, that prior occupancy can give no title to Virginia in this instance; nor any length of time bar the claim of this state, if it is otherwise well founded—Political laws in this, and in most other countries, regulate this subject among the citizens of their respective states; but it cannot be done between independent governments, unless by treaty.

Should the legislature of this state persist in the wish to settle the bounds of this state and Virginia in the manner proposed by the resolve of the last session, (and which has been delayed by the state of Virginia not having made any appointment of commissioners for that purpose,) it will be necessary to appoint another commissioner in the place of Mr. Pinkney, who is now absent on public business, and some other person instead of myself, as it will not be convenient to me to attend further to the subject.

I am, with much respect,
Your very obedient servant,
WILLIAM COOKE.

14th Nov. 1796.

Endorsed; "By the senate, November 17, 1796: Read and referred to the consideration of the house of delegates.

"By order,

A. VAN-HORN, clk."

Which was read, and referred to Mr. Wilson, Mr. Key and Mr. Buchanan, to consider and report thereon.

And the following message:

BY THE SENATE, NOVEMBER 17, 1796.

GENTLEMEN,

WE have appointed William Hammond Dorsey, John Selby Purnell, and John Thomas, Esquires, a committee on the part of the senate to join the gentlemen appointed by your house, to form a joint committee of both houses to compare and examine all bills, from time to time during the session, as soon as they shall be severally engrossed.

By order,

A. VAN-HORN, clk.

Which was read:

Mr. Chapman, from the committee, brings in and delivers to Mr. Speaker the following report: THE committee to whom was referred the petition of Anne Dent and Theodore Dent, administrators of Peter Dent, of Charles county, deceased, report, that they have taken the same under their consideration, and upon examination of the papers and circumstances, are of opinion that the facts stated therein are true, and that a law ought to pass, directing the justices of the levy court of Charles county to make inquiry into the circumstances of the case, and if proved to the satisfaction of the said justices, to levy on the assessable property of the county a sum of money equivalent to the actual loss of tobacco sustained, for the use of the representatives of the said Peter Dent. All which is submitted to the house.

By order,

S. LUCKETT, clk.

Which was read the first and second time, concurred with; and leave given to bring in a bill pursuant thereto. ORDERED, That Mr. Chapman, Mr. Digges and Mr. Baker, be a committee to prepare and bring in the same.

Mr. Chapman,